

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BEAVER FRANK APPEL,

Defendants.

CR-12-76-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter November 16, 2016. (Doc. 41.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 15, 2016. (Doc. 37.) Appel admitted that he violated the conditions of his supervised release. The violations prove serious and warrant revocation of Appel's supervised release. Judge Johnston has recommended that the Court revoke Appel's supervised release

and commit Appel to the custody of the Bureau of Prisons for four months (Doc. 41 at 4.) Judge Johnston further has recommended that Appel's term of custody be followed by 56 months of supervised release. His supervised release shall include treatment at Connections Corrections.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Appel's violations of his conditions represent a serious breach of the Court's trust. A sentence of four months custody followed by 56 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 41) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant BEAVER FRANK APPEL be sentenced to four months custody followed by 56 months of supervised release. The conditions previously imposed shall be continued. His supervised release shall include treatment at Connections Corrections.

DATED this 12th day of December, 2016.



Brian Morris
United States District Court Judge